

### **REMARKS**

Claims 44-60 and 66-73 are pending in the current application. Claims 44, 51-54, and 66 have been amended. Claims 69-73 have been added. New claims 69-73 contain no new matter, and are fully supported by the specification.

The specification stands objected to as failing to provide a proper antecedent basis for the claimed subject matter. Applicant has removed from the claims the terms objected to by Examiner. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

Claim 55 stands objected to as depending from a rejected claim. Applicant acknowledges with appreciation Examiner's indication that claim 55 would be allowable if rewritten in independent form. Office Action, at page 11. As explained below, however, Applicant believes that claim 44, from which claim 55 depends, is not anticipated by Magill, and is allowable in its current form.

Claims 44-54 and 56-58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,184,288 ("Magill"). This rejection is respectfully traversed.

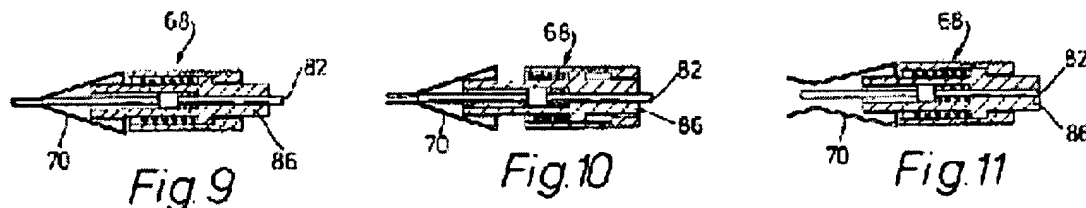
Claim 44 recites a damper for an air flow duct comprising, *inter alia*:

a body member which is fixed to an opening in a circumferential wall of the ducting, the body member having a through-hole which passes from an exterior to an interior of the body member; and

a movable member in the through-hole and arranged so that it moves when the actuating member moves, the movable member being arranged such that it protrudes or protrudes further from an opening in the exterior of the body member externally from the ducting when the actuating member moves to release the damper element.

Magill does not disclose the elements of claim 44. The Examiner identifies the actuating pin 82 of Magill as corresponding to the "movable member" recited in claim 44. As is clear from Figs. 9-11 of Magill (reproduced below), however, the actuating pin 82 is withdrawn into the

ducting, and does not “protrude or protrude further from an opening in the exterior of the body member externally from the ducting,” as recited in amended claim 44 (emphasis added).



The amendment to claim 44, reciting that the movable member protrudes externally from the ducting when the actuating member moves to release the damper element, is supported in the first two sentences of the last paragraph of page 1 of the present application and is shown in Figures 2 and 4. Figure 2 shows the body member (21) fixed to an opening to an opening in a circumferential wall of the ducting, as specified in claim 44. As described in the last paragraph of pages 1 and 4 and as shown in Figure 4, when the actuating member (28) moves to release the damper element (4), the movable member (24) protrudes externally from the ducting (1).

In contrast, the actuating pin (82) of Magill, as shown above, is withdrawn into the ducting and hence Magill does not anticipate the invention as recited in claim 44. The advantage of this feature of the invention is that the pin is visible externally and a protruding (or protruding further) pin indicates that an excessive temperature has been reached or that the cartridge has been screwed in too hard that the solder has ruptured, as described in the last paragraph of page 1.

Thus, Magill does not disclose the elements of claim 44. Claims 45-54 and 56-58 depend from claim 44. Accordingly, Applicant respectfully requests that the § 102(b) rejections of claims 44-54 be withdrawn, and the claims be allowed.

Claims 66-68 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Magill. This rejection is respectfully traversed.

Claim 66 recites a damper for an air flow duct comprising, *inter alia*:

retention means retaining the damper element in an open position, the retention means comprising:

an actuating member;

a retention member which is fixed relative to the damper element and is secured by the action of the actuating member to retain the damper element in an open position, which securing can be released to release the damper element so that it is moved by the biasing means into its closed position;

a support member fixed to the circumferential wall of the ducting and supporting at least part of the retention means, the support member having a base and at least a first limb, at a substantial angle to the base, which limb is adjacent the inner circumferential wall of the ducting and has a notch on its open end passing over the damper element axle; and

securing means securing the limb to the inner circumferential wall of the ducting at a position between the axle and the base of the support member.

The Examiner asserts that Magill discloses the elements of claim 66. Applicant respectfully submits, however, that the Examiner's interpretation of several elements of Magill is mistaken, and that Magill thus fails to disclose the elements of claim 66.

Magill does not disclose "a support member fixed to the circumferential wall of the ducting and supporting at least part of the retention means, the support member having a base and at least a first limb, at a substantial angle to the base, which limb is adjacent the inner circumferential wall of the ducting," as recited in claim 66.

The Examiner asserts that "a support member . . . supporting at least part of the retention means" is disclosed by the additional cover plate 38a of Figs. 15-16 in Magill. Office Action, at page 8. This interpretation of Magill is erroneous. The cover plate 38a of Magill does not

“support[] at least part of the retention means,” as recited in claim 66. The Examiner identifies the retention means of Magill as comprising the fusible element 70, the blade bearing components 19, and the gear wheels 22. Office Action, at page 7. The cover plate 38a does not “support” any of these elements, but rather covers the control box 36. *See*, Magill, Col. 6, lines 40-51.

Further, Magill fails to disclose the support member having “at least a first limb . . . which limb is adjacent the inner circumferential wall of the ducting,” as recited in claim 66. The Examiner identifies the flanges 100 of Figs. 15-16 as corresponding to the “at least a first limb” of claim 66. Office Action, at page 8. The flanges 100, however, are located on the cover plate 38a, which is located on the outside of the ducting. *See*, Magill, Col. 6, lines 40-46. Thus, the flanges 100 of Magill are located on the outside of the ducting.

Furthermore, Magill fails to disclose “securing means securing the limb to the inner circumferential wall of the ducting at a position between the axle and the base of the support member,” as recited in claim 66. The Examiner asserts that the screw holes 102 in the flanges 100 of Figs. 15-16 in Magill disclose these elements. Office Action, at page 8. The screw holes 102 do not secure the flanges 100 to the inner circumferential wall of the ducting as recited in claim 66. Rather, the screw holes 102 secure the flanges 100 to the outside of the duct. *See* Magill, Col. 6, lines 40-46 (describing “an additional cover plate 38a in Fig. 15 . . . designed to be screwed or bolted to the outside of a duct 98” and the “flanges 100 with bolt or screw holes 102 . . . to permit this to be done”).

The Examiner also fails to specify how the screw holes 102 of Figs. 15-16 of Magill secure the flanges 100 “at a position between the axle and the base of the support member,” as recited in claim 66. The Examiner identifies the cover plate 38a as the “support member,” yet the Examiner fails to specify what would qualify as the “base” of the cover plate 38a in Figs. 15-16, nor the basis for the Office’s assertion that the flanges 100 are secured at a position between the axle and this “base.”

Thus, Magill fails to disclose all of the elements of claim 66. Claims 67-68 depend from claim 66, and are allowable for at least the reasons discussed above. Accordingly, Applicant respectfully requests that the § 102(b) rejection of claims 66-68 be withdrawn, and the claims be allowed.

Claim 59 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Magill in view of U.S. Patent No. 5,779,540 ("Nailor"). This rejection is respectfully traversed.

Claim 59 depends from independent claim 44, and recites the damper of claim 44, "wherein the protruding end portion of the movable member actuates a microswitch." As discussed above, the damper of claim 44 is not disclosed by Magill. Accordingly, claim 59 is patentable over Magill for at least the reasons discussed above.

Additionally, Applicant respectfully submits that claim 59 is distinguishable over Magill in view of Nailor for further reasons. As discussed with regard to claim 44, the Examiner identifies the actuating pin 82 of Magill as corresponding to the "movable member" of claim 44. Yet the actuating pin 82 is withdrawn into the ducting, rather than "protrud[ing] or protrud[ing] further from an opening in the exterior of the body member externally from the ducting." See Figs. 9-11 (reproduced above).

Thus, it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the damper of Magill with the micro-switches disclosed in Nailor. Because the actuating pin 82 in fact does not protrude or protrude further, it would not be obvious to have the "protruding end portion . . . actuate[] a microswitch," as recited in claim 59. Rather, the actuating pin 82 of Magill would not operate the Nailor micro-switch, because the actuating pin 82 would not extend to the switch. Accordingly, Applicant respectfully requests that the § 103(a) rejection of claim 59 be withdrawn, and the claim be allowed.

New claims 69-73 correspond to claims 44, 45, 59, 66 and 67, but do not include means plus function language.

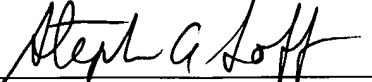
Application No. 10/525,251  
Amendment of March 14, 2008  
Reply to Office Action of December 14, 2007

Docket No.: M0025.0319/P319

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. Favorable consideration is respectfully requested.

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Respectfully submitted,

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